



Report to the Legislature  
Recommendations for Improving  
Washington State's  
Criminal Background Check Processes

By: The Joint Task Force on Criminal Background Check Processes

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## **Executive Summary**

The Joint Task Force on Criminal Background Check Processes was created by the passage of Engrossed Substitute House Bill 2556 during the 2004 legislative session. The legislation required the Task Force to review and make recommendations regarding how to improve the state's criminal background check processes. The legislation also required that the Task Force report its findings and recommendations to the Legislature and the Governor by December 31, 2004.

Although the Task Force decided that a number of issues needed further analysis and discussion, the Task Force did decide to recommend the following issues as matters to be addressed in the 2005-06 legislative session:

1. Simplify statutes concerning dissemination of background checks and repeal portions of RCW 43.43, accordingly.
2. Create a pilot program to electronically gather and transmit fingerprint data for non-criminal justice purposes, by purchasing nine Live-scan devices to be strategically placed in the nine educational service districts throughout the state.
3. Authorize background checks for Washington State Parks employees & volunteers.
4. Support agency-request legislation from the WSP and the DSHS to increase funding for technology upgrades and staffing levels for agencies, as necessary to process background check requests more quickly.
5. Expand the membership and extend the life of the task force to consider matters that have been raised but require further analysis and discussion in order to resolve.

The final report of the Joint Task Force on Criminal Background Check Process contains the Task Force's findings and recommendations developed during five months of intensive study. The report contains an analysis and description of the State and federal statutory requirements regarding criminal background checks, issues regarding privacy concerns, timeliness of responses to requests for background checks, employer concerns on requesting background checks, and funding and increased technology issues.

**Senator Jeanne Kohl-Welles, Co-Chair**  
**Chief Scott Smith, Co-Chair**  
**Joint Task Force on Criminal Background Check Processes**

## **Final Report on the Joint Task Force on Criminal Background Check Processes**

### **Overview**

Criminal history record information background checks are conducted for employment and licensing decisions and many other purposes related to the security of persons and property.

In 2004, the Washington State Legislature passed ESHB2556 (Chapter 41 of the Laws of 2004). This bill created a Joint Task Force on Criminal Background Check Processes to review and make recommendations to the Legislature and the Governor regarding how to improve the state's criminal background check processes.

Senator Jeanne Kohl-Welles and Chief Scott Smith (of the Mountlake Terrace Police Department) were chosen by members of the task force as co-chairs of the Joint Task Force on Criminal Background Check Processes.

### **Background**

The Washington State Patrol is authorized to disseminate criminal history record information under two state statutes: The Criminal Records Privacy Act (Chapter 10.97 RCW) and the Child and Adult Abuse Information Act (RCW 43.43.830-43.43.845).

***Chapter 10.97 RCW:*** Under Chapter 10.97 RCW, criminal background record information disseminated for criminal justice purposes includes convictions, non-conviction information, and civil adjudications. For non-criminal justice purposes, (a) information on criminal convictions and (b) arrest records under one year old without final disposition are disseminated without restriction.

***RCW 43.43.830:*** Under RCW 43.43.830, law enforcement agencies, the Office of the Attorney General, prosecuting authorities, and the Department of Social and Health Services may request background check information to aid in the investigation and prosecution of cases of abuse that may have involved a child, a person with a developmental disability, or vulnerable adult. In addition, under that same statute, businesses or organizations may request criminal background record information on a prospective applicant who will be working with a person with a developmental disability, persons with a mental illness, vulnerable adults, or children under 16 years of age. The business or organization making the inquiry to the Washington State Patrol (WSP) or a federal law enforcement agency must notify the applicant who has been offered a position as an employee or volunteer so that a background inquiry may be made.

Under RCW 43.43, when an employer requests a criminal background request on a prospective employee, WSP may only disseminate certain information on an applicant's record. This information is limited to convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation (but only if the victim is a vulnerable adult), adjudications of child abuse in a civil action, and any issuance of a vulnerable adult protection order. A person requesting the same information under RCW

10.97 could obtain the applicant's full criminal history record including information on arrests, detentions, and other criminal charges and dispositions.

### **Task Force & Its Duties**

The membership of the Task Force comprises of one member from each of the two largest caucuses of the Senate (Senators Kohl-Welles and Brandland) and the House of Representatives (Representatives Sullivan and Ahern); one representative from the Washington State Patrol (Mary Neff), the Department of Social and Health Services (Jackie Beery), and the Office of the Superintendent of Public Instruction (Charlie Schreck); one elected sheriff or police chief selected by the Washington Association of Sheriffs and Police Chiefs (Chief Scott Smith, Mountlake Terrace Police Department); and jointly appointed by the speaker of the House of Representatives and the president of the Senate, representatives from the following entities:

- A non-profit service organization that serves primarily children under 16 years of age (Amy Bell, YMCA and Council of Youth Agencies);
- A health care provider (Robb Menaul, Washington State Hospital Association);
- An organization that serves primarily developmentally disabled persons or vulnerable adults (Sue Elliott, ARC of Washington State);
- A local youth athletic association (Peter Lukevich, Washington Partners in Crisis - Insurance);
- The insurance industry (Donna Haynes, Pilkey-Hopping & Ekberg);
- A local parks and recreation program, selected by the Association of Washington Cities (Craig Larsen, City of Lynnwood Parks, Recreation & Cultural Affairs); and
- A local parks and recreation program, selected by the Washington Association of Counties (Michael Dobb, Pierce County Parks and Recreation).

The Task Force must review at least the following issues:

- State and federal statutory requirements regarding criminal background checks.
- Criminal offenses that currently reportable through the criminal background check program.
- Classes of information available through the Washington State Patrol and the Federal Bureau of Investigation criminal background check systems.
- Best practices among organizations for obtaining criminal background checks on their employees and volunteers.
- Feasibility and costs for businesses and organizations to do periodic background checks.
- Feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees, contractors, agents, and volunteers who have regularly scheduled supervised or unsupervised access to children, developmentally disabled persons, or vulnerable adults.
- Benefits and obstacles of implementing a criminal history record information background check program created by the National Child Protection Act of 1993.

The Task Force may consult with individuals from the public and private sector and will use legislative facilities and staff from Senate Committee Services and the House of Representatives Office of Program Research.

### **Meetings**

The following meetings were held during the 2004 interim:

- September 21 from 1:30 - 3:30 p.m. in House Hearing Room E of the John L. O'Brien Building located in Olympia, Washington.
- October 12 from 1:30 - 3:30 p.m. at the Criminal Justice Training Commission located in Burien, Washington.
- November 17 from 9 - 9:30 a.m. at Washington State Patrol Collision Records Division located in Lacey, Washington.
- November 17 from 10:00 a.m. - 12:30 p.m. in conference room ABC of the John A. Cherberg Building located in Olympia, Washington.
- December 1 from 1:00- 4:00 p.m. in hearing room E of the John L. O'Brien Building.
- December 13 from 1:00- 4:00 p.m. in conference room ABC of the John A. Cherberg Building located in Olympia, Washington.

### **Background Check Methods**

***Name and Date of Birth.*** The methods for name and date of birth (DOB) background check submission include "in-person" delivery at the WSP office, the U.S. Mail, the Internet, and the law enforcement telecommunications system.

Individuals may appear at the WSP Criminal Records Division in Olympia to request criminal history record information or send the request via the U.S. Mail using a state-prescribed form. The results are mailed to the requester.

The WATCH (Washington Access To Criminal History) application allows access to Washington criminal history record information from any personal computer with an Internet connection. Public or private sector agencies, businesses, organizations, associations, or individuals may apply to receive a monthly billing invoice or establish a credit card account. The results are returned immediately via the Internet.

Governmental agencies may use the law enforcement telecommunications system, ACCESS (A Central Computerized Enforcement Service System), to request criminal history record information for both criminal justice and non-criminal justice purposes. For criminal justice purposes, the requester may submit an inquiry to the FBI for national criminal history record information. The results are returned immediately via ACCESS.

***Fingerprint Search.*** The methods for a fingerprint-based background check submission include "in-person" at the WSP office, the U.S. Mail, live-scan and card-scan electronic submission, and regional AFIS to state AFIS submission. Individuals may appear at the WSP Criminal Records Division in Olympia for fingerprinting or submit their fingerprints via the U.S. Mail using a state-prescribed form. The results are mailed to the requester.

Governmental agencies that are able to transmit fingerprints over the IGN (an intergovernmental network that local law enforcement agencies use to transmit criminal arrest and applicant fingerprints to the WSP), may submit fingerprints via electronic live-scan, card-scan, or regional Automated Fingerprint Identification System (AFIS) for both criminal justice and non-criminal justice purposes. If an agency chooses to submit fingerprints for non-criminal justice purposes, they must establish a billing account and receive monthly invoices to cover the state and FBI fees if applicable. The state-level results are returned to the live-scan device and via email or U.S. Mail. The FBI results are returned via email or U.S. Mail.

The authority for the FBI to conduct a criminal record check for a noncriminal justice licensing or employment purposes is based upon Public Law (Pub. L.) 92-544. Pursuant to Pub. L. 92-544, the FBI is empowered to exchange identification records with officials of state and local governments for purposes of licensing and employment if authorized by a state statute which has been approved by the Attorney General of the United States. The Attorney General has delegated this approval authority to the FBI. In order to comply with Pub. L. 92-544, the state statute establishing guidelines for a category of employment, the issuance of a license, or for any other noncriminal justice suitability purpose:

1. must exist as the result of legislative enactment;
2. must require the fingerprinting of applicants who are to be subjected to a national criminal history background check;
3. must authorize submission of the fingerprints to the FBI for a national criminal history record check;
4. must identify the specific categories of applicants, licensees, or volunteers;
5. must not be against public policy;
6. may not authorize receipt of the criminal history information by a private entity.

The fingerprint cards must be channeled through the State Identification Bureau (SIB) for forwarding to the FBI.

The results of the record check cannot be released outside the receiving governmental department or related governmental agency.

Processing fees are by direct payment or billed to the SIB, depending on arrangements made between the FBI and SIB, such as the execution of a Memorandum of Understanding (MOU) for billing.

### **Turnaround Time**

The turnaround time at the WSP for requests received in-person or via the mail is 1-3 weeks. The requests received via the internet or the law enforcement telecommunications system require no human intervention and the results may be obtained immediately. Requests received via a live-scan (electronic) fingerprint



submission range two hours to one week depending on the need for human intervention. The FBI's goal is to respond within two days of receipt.

### **Fees**

For purposes of the administration of criminal justice, there is no charge for processing either name-and-date-of-birth or fingerprint background checks, using the state's criminal history repository. Under RCW 10.97.100, criminal justice agencies are authorized to establish and collect a reasonable fee for the dissemination of criminal history record information to agencies and persons other than criminal justice agencies. Under 446-20-600 of the Washington Administrative Code (WAC), the Washington State Patrol has established a nonrefundable fee of \$10 for name-and-date-of-birth state conviction record searches (whether they are submitted in paper form to the WSP or an agency chooses to do its own internet search using the WSP's WATCH program). The non-refundable fee for state fingerprint criminal record searches is \$25. Under RCW 43.43.830, the fees for name-and-date-of-birth or fingerprint searches are the same except that non-profit organizations are exempt from paying the fees.

Some background check fees are scheduled to be increased in July 2005. The WSP has proposed an amendment to the WAC 446-20-600 as a result of a fee study conducted in July 2002. Upon final approval of the new WAC, a name and date of birth search submitted on paper will be \$35. A fingerprint search will be \$30. There will be no change to a name-and-date-of-birth search conducted on the Internet using the WSP application Washington Access To Criminal History (WATCH). It will remain \$10. Background checks submitted by non-profit organizations to the WSP under RCW 43.43.830 will continue to be provided at no fee.

Any person or agency requesting a national criminal history record information search through the FBI must be authorized to obtain such information by state statute. In order for the FBI to conduct a national search, requests must be made through the WSP. The FBI charges a fee of \$24 for requests submitted as authorized by a state statute. There is a FBI \$18 fee for a criminal history record review requested by the subject of the record and a \$18 fee for a request submitted pursuant to the federal Volunteers for Children Act. The fees are paid either by the state agency, the employer, or the subject of the record check.

## **Task Force Recommendations to the Legislature for the 2005-2007 Biennium**

### ***1. Simplify statutes concerning dissemination of background checks and repeal portions of RCW 43.43, accordingly.***

**Background:** Under RCW 43.43, the Washington State Patrol (WSP) is authorized to disclose criminal background checks of applicants and employees to any business or organization in Washington that educates, trains, treats, supervises, houses, or provides recreation to persons with a developmental disability, vulnerable adults, persons with a mental illness, or children under 16 years of age. Organizations that may request background checks include, among others, public housing authorities, school districts, and educational service districts. Under RCW 43.43, the WSP may also release criminal background information to persons with a developmental disability and vulnerable adults who desire to hire their own employees directly. In these cases, background checks are limited to only providing an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation if the victim is a vulnerable adult, adjudications of child abuse in a civil action, and any issuance of a vulnerable adult protection order. If the portions of RCW 43.43 were repealed so the references to specific crimes were eliminated, an organization could request background check information under RCW 10.97 and would receive information on a particular person's convictions and any charges pending for the last year under RCW 10.97.

**Recommendation to Legislature:** A statutory change, repealing portions of RCW 43.43.830 to 43.43.845, would simplify the WSP administration of background check requests for non-criminal justice purposes and to allow dissemination of all conviction data and information on charges pending for the past year to requesting organizations.

### ***2. Create a pilot program to electronically gather and transmit fingerprint data for non-criminal justice purposes, by purchasing nine Live-scan devices to be strategically placed in the nine educational service districts throughout the state.***

**Background:** Live-scan provides a way to electronically gather and transmit fingerprint data. Gathering fingerprints electronically reduces the number of rejected fingerprints by improving the accuracy and quality of prints.

Live-scan technology is currently available only in local jails and at the WSP office in Olympia. There are no public or private sector fingerprinting service centers to accommodate individuals applying for non-criminal justice employment or licensing. The task force discussed placing devices strategically in government offices throughout the state for this purpose.

In order to set up the infrastructure for fingerprint submissions outside of the criminal justice system, funding must be provided for more Live-scan devices. The hardware and software for one Live-scan device costs approximately \$30,000, although the state has

been able to purchase units at a reduced cost for criminal justice purposes, and discounts may still be available.

**Recommendation to Legislature:** Creating a pilot program by statute, and perhaps a budget proposal, through which live-scan equipment would be strategically placed in nine educational service districts throughout the state.

***3. Authorize background checks for Washington State Parks employees & volunteers.***

**Background:** The Washington State Parks and Recreation Commission employs over 500 people and thousands of volunteers each year. Many of these people have access to children and vulnerable adults or handle significant amounts of cash. The Washington State Parks and Recreation Commission has proposed performing out-of-state background checks through the FBI on all employees and volunteers who have access to children or vulnerable adults or who collect cash within its parks.

**Recommendation to Legislature:** Support the agency-request legislation that would allow Washington State Parks to request out-of-state background checks on prospective employees and volunteers. This proposal may also require budgetary analysis.

***4. Support agency-request legislation from the WSP and the DSHS to increase funding for technology upgrades and staffing levels for agencies, as necessary to process background check requests more quickly.***

The WSP and the DSHS have requested funding to improve the technology used to facilitate background checks for non-criminal justice purposes and have requested additional staff toward that end. These requests are reflected in the Governor's budget.

***5. Expand the membership and extend the life of the task force to consider matters that have been raised but require further analysis and discussion in order to resolve.***

The statute creating the task force required the review of a number of complex issues. Some of those issues merit further review. The appendix to this report sets out issues regarding privacy concerns, timeliness of responses to requests for background checks, burdens to employers when the number of background checks increase, and funding alternatives. The task force recommends: 1.) Expanding the membership of the task force to include a representative of a for-profit entity (e.g., representing children or vulnerable adults); and 2.) Providing further analysis of the costs and benefits to the state of the potential courses of action outlined in the appendix.

## **APPENDIX**

### **Items Upon Which the Task Force Urges Further Analysis and Discussion**

***Item 1. Whether Washington should ratify, through state legislative action, either of two federal statutes focusing on background check programs, namely the National Crime Prevention and Privacy Compact Act (the Compact) and the Volunteers for Children Act (VCA).***

- Under the National Crime Prevention and Privacy Compact Act of 1998 (the Compact), the Federal Bureau of Investigation (FBI) and states agree to maintain detailed, complete, and accurate criminal history record information for immediate response to Interstate Identification Index (III) requests for non-criminal justice purposes. The Compact requires ratification by the state legislature and subsequent compliance with Compact policies. The ratifying state must grant other states access to its III-indexed criminal history record information for authorized non-criminal justice purposes and submit fingerprints and identification information necessary to maintain national indices. Further consideration of how ratification of the Compact would benefit the state should be undertaken.
- The Volunteers for Children Act (VCA), also known as the National Child Protection Act (NCPA), Oprah Winfrey Law, or Foley Act, authorizes non-regulated private sector organizations to conduct background checks through the FBI on prospective volunteers and employees who will work with children or vulnerable adults. The VCA authorizes a state agency to receive the FBI criminal history record information to make employment decisions or recommendations, but the state agency cannot disseminate the FBI criminal history record information to private organizations. Because no governmental entity in the state of Washington is authorized to receive and screen the results for background checks submitted under the VCA, adopting the VCA would also require legislative action mandating national fingerprint background checks and authorizing a governmental entity to receive and review the FBI criminal history record information responses. Further consideration of how adoption of the VCA would benefit the state should be undertaken.

***Item 2. Whether WSP should charge non-profit organizations in order to offset the costs of performing background checks, and what other sources of funding might be available to offset those costs***

The WSP currently charges a fee to agencies or businesses who request a background check. However, under a provision in RCW 43.43, non-profit organizations are currently exempt from the fee and receive certain in-state criminal history information from the WSP without charge.

Many states charge a reduced fee to non-profit organizations (ranging from \$2 - \$25 for a name search and \$8 - \$32 for a fingerprint search) to offset operating expenses.

- The Legislature could authorize the WSP to charge a fee to non-profit organizations to help offset some of its current operating expenses or to fund capital improvements in the background check infrastructure.
- Another possibility discussed by the task force involved continuing to allow non-profits to run free electronic name and date-of-birth checks online through the WATCH system, while charging a fee for paper-based checks that are more labor-intensive for WSP personnel to perform.
- Another alternative raised was to charge non-profits an annual flat fee for an unlimited number of background checks.
- The task force also discussed the possibility of charging a fee to non-profits for background checks requested for employees but not for volunteers.

The Legislature could implement any of these policies through a statutory change.

***Item 3. Whether to make background checks “portable” from one employer to another through the issuance of a card or certificate stating the date of a background check and indicating that no convictions were found.***

The concept of portability allows persons to carry a card or certificate indicating that a background check was performed as of a particular date, and no convictions were found. An advantage of this type of system is that it could save employers the time needed to submit a background check request and wait for the results. It is important to note, however, that a certificate issued as of a certain date would not capture arrests or convictions occurring after the date the background check is run.

- The task force discussed whether cards or certificates could be issued, indicating only the date that the background check was run without purporting to be accurate beyond the date that the check was performed.
- Cards or certificates could be limited to volunteers or to those licensed within a particular agency.
- The validity of the card or certificate could be limited to a fixed period (e.g., one year). Any of these alternatives would require a statutory change.

***Issue 4. Whether certain classes of criminal convictions relevant to particular jobs should rule out employment in those jobs and whether the legislature or the licensing agencies are in a better position to determine those classes of relevant criminal convictions***

Certain types of criminal history information may be more relevant to some hiring or licensing decisions than others (e.g., a fraud conviction may be a significant consideration if an applicant is a candidate for a position with access to financial

information; a prostitution conviction may be significant in applying for licensure as a massage therapist). Some histories that may rule out candidates in one field might actually be beneficial in another context (e.g., a drug history or conviction may rule out licensure as pharmacist but benefit a drug and alcohol counselor.)

Further, if lists of crimes contained in statute do not contemplate different names or definitions of similar crimes under the laws of other states, then convictions of those similar out-of-state crimes might not preclude employment or licensure under the Washington statute. The process for changing administrative rules that do not contain complete or accurate lists of crimes is typically a faster process.

- The task force discussed the possibility of repealing the list of crimes in 43.43 RCW and granting authority to the DSHS and the DOH to develop guidelines or WACs necessary to consider with respect to certain hiring and licensing decisions. It was suggested that guidelines should include the length of time that a particular crime would preclude hiring, up to lifetime disqualifications. Statutory and regulatory changes would be necessary to pursue this course of action.

***Issue 5. How to address the under-reporting of civil adjudications and administrative findings to WSP currently required by statute and whether the WSP's criminal history database is the correct repository for non-criminal civil and administrative decisions.***

RCW 43.43.838 currently requires dissemination by the WSP of non-criminal civil and administrative decisions in certain situations. One problem that was brought to the task force's attention is that the WSP often does not receive the administrative decisions and civil findings required by statute. In addition, the task force learned that, in order to be compatible with the WSP databases that are used as a basis for performing background checks, records concerning civil verdicts and adverse results of administrative proceedings must include fingerprints. As a practical matter, most civil and administrative decisions reported to the WSP do not include fingerprints and, therefore, cannot be indexed in the WSP's records that serve as a basis for performing background checks.

The task force briefly discussed whether to expand criminal background check information to include due process findings and license revocations. Further analysis is needed to determine whether the WSP database, which contains criminal conviction information, is the best repository for information concerning decisions of administrative law tribunals and disciplinary boards, which are not subject to the evidentiary rules and stricter burdens of proof that apply to criminal cases. For example, in a criminal trial, guilt must be established beyond a reasonable doubt. The standard in an administrative or civil proceeding is typically a preponderance of the evidence, which is more than a 50% likelihood of culpability.

Depending upon the course of action that the legislature deems appropriate after further analysis, any one of a number of alternatives may be pursued.

- If the legislature determines that the WSP database should not contain information about administrative and civil proceedings, statutory references that require agencies to submit copies of disciplinary board final decisions might be deleted.
- A separate repository for adverse findings in non-criminal proceedings could be created.
- On the other hand, if it is determined that such findings be sent to the WSP to be incorporated into that agency's criminal history database, the statutes could be amended to require adverse final orders for disciplinary board final decisions and final administrative hearing results to include a provision requiring fingerprinting and submission of fingerprints with final order information either to the WSP. The statute could mandate that certain critical findings be included in a repository or database (e.g., founded allegations of sexual misconduct).
- Note that statutes on dissemination of criminal history information might need to be adapted to contemplate the release of results of proceedings outside of criminal justice system.

***Issue 6. How best to maintain and to use the DSHS's confidential records through its database system called CAMIS (Children's Administration Management Information System)***

The DSHS indexes certain information based on name and date of birth. This information corresponds to such matters as allegations of child abuse and neglect and removal of children from care. It is not limited to convictions and other conclusive findings. It may be used to determine patterns of behavior and to evaluate the suitability of certain candidates for licensing or employment in positions involving access to children or vulnerable adults.

The CAMIS database technology is old and may not catch misspellings or alternative spellings of names. Obtaining and interpreting data through the database is time-consuming and requires special training. In addition, persons not under the jurisdiction of the DSHS would not be screened through the database (e.g., local school volunteers, parks employees or contractors, Little League coaches).

- The task force briefly discussed the DSHS's budget request to increase funding to improve the technology necessary to make gathering background information more efficient and effective and to reduce the potential for error.
- Another issue that was raised and briefly discussed was whether it would be advisable to require the DSHS to screen names of volunteers with access to children and vulnerable adults. One issue was whether it would be appropriate for the DSHS to use its proprietary non-criminal history data in this context. Another issue was whether there would be a need to provide additional staffing to offset this added responsibility. After further examination of these issues, any legal

change would be accomplished through a statutory modification and, possibly, budgetary change.

***Issue 7. How best to structure the background check process to harmonize the differing goals and objectives of licensing agencies that provide oversight to the same professions***

The Department of Health is a licensing agency that focuses on whether a particular candidate for licensure is qualified in his or her profession. The DSHS's inquiry focuses on whether a particular candidate will have access to children or vulnerable adults. Because the focus of various agencies' background checks vary, there may be duplication of some efforts. At the same time, it may be difficult to fully consolidate all background check responsibility into one agency. For example, as indicated above, the DSHS has access to confidential internal information that simply is not available to other agencies but should be used by the DSHS in certain contexts. Any change in this area would likely require statutory as well as budgetary change.

***Issue 8. Whether the gathering of fingerprints for non-criminal justice purposes should be handled by private profit-making contractors, rather than by the state***

This issue was raised briefly but requires further analysis, namely surrounding the issues of: (a) the release of personal information (e.g., images of fingerprints) to private contractors and (b) the fact that some states have tried privatization and returned to a state-administered system. Statutory and budgetary change would be required if this system were to change.

***Issue 9. Whether a systematic rechecking of certain licensed persons should be implemented***

The potential burden to some agencies if annual rechecking were required as a condition of license renewal was raised. If the state opts to systematically recheck background data on certain individuals licensed or employed by the state, a system of periodic, rather than annual, checks could be required by statute. Requiring background checks a condition of reinstatement could be an alternative. Budgetary allowance would also need to be made if a large number of background checks were required by statute.